

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DARRYLE POLLARD,

Plaintiff,

Case No. 1:18-cv-00404-GJQ-PJG

v.

HON. GORDON J. QUIST

CITY OF MUSKEGON HEIGHTS,  
BRANDON M. DEKUIPER,  
MICHAEL T. EDENS, and  
MICHAEL M. RATLIFF,  
In their individual and official capacities,

Defendants.

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**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

NOW COME Defendants, City of Muskegon Heights, Brandon DeKuiper, Michael Edens, and Michael Ratliff, by and through their attorneys, Plunkett Cooney, who move this Court for an order of summary judgment dismissing Plaintiff's complaint with prejudice pursuant to Fed. R. Civ. P. 56. In support of their motion, Defendants state as follows:

1. Plaintiff alleges excessive force was used against him in conjunction with an incident which occurred on April 19, 2016.
2. Plaintiff was resisting Defendant police officers in their attempt to handle a domestic violence incident, in which a knife had been reported to be involved.

3. As set forth in Defendants' brief in support of motion for summary judgment, Defendants' actions were reasonable under the circumstances as presented by the situation and Plaintiff's actions, and therefore did not rise to the level of excessive use of force as alleged by Plaintiff.

4. That any excessive use of force as alleged by Plaintiff was not caused by any policy, practice, or procedure by the City of Muskegon Heights.

5. Moving Defendants have sought concurrence in the motion from Plaintiff.

Wherefore, moving Defendants respectfully submit this Court must grant their motion for summary judgment, and enter an order of summary judgment, dismissing Plaintiff's complaint with prejudice.

Dated: June 14, 2018

Respectfully submitted,

PLUNKETT COONEY

By: /s/ Robert A. Callahan

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